

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

REMEDY INTELLIGENT STAFFING, INC.,

Plaintiff,

v.

**STEPHEN D. SAWIN and METROPOLITAN
EMPLOYMENT CORPORATION OF
AMERICA, INC. D/B/A OPERON RESOURCE
MANAGEMENT,**

Defendants.

Case No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441 et seq., defendants Stephen D. Sawin (“Sawin”) and Metropolitan Employment Corporation Of America, Inc. d/b/a Operon Resource Management (“Metropolitan”) (collectively “Defendants”) hereby file this Notice of Removal to remove the above-captioned action from the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts (“Superior Court”), in which it is now pending, to the United States District Court for the District of Massachusetts.

In support thereof, Defendants respectfully represent as follows:

1. On or about August 6, 2008, plaintiff Remedy Intelligent Staffing, Inc. (“Plaintiff”) commenced this action by filing a Verified Complaint And Jury Demand (“Complaint”) in the Superior Court, which it served upon the Defendants on or about August 6, 2008 (the “State Court Action”). The State Court Action was assigned Civil Action No. 08-

2972. See Verified Complaint and Jury Demand (attached hereto as Exhibit A); and Summons (attached hereto as Exhibit B).

2. On or about August 6, 2008, Plaintiff filed in the State Court Action Plaintiff's Motion For Appointment Of A Special Process Server (attached hereto as Exhibit C), Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (attached hereto as Exhibit D) and Plaintiff's Memorandum in Support of Motion for Temporary Restraining Order and Preliminary Injunction (attached hereto as Exhibit E). On Or about August 6, 2008, the State Court issued a Scheduling Order (attached hereto as Exhibit F) and allowed *ex parte* a temporary restraining Order (attached hereto as Exhibit G).

3. On or about August 12, 2008, Defendants filed in the State Court Action Answer of Defendants To Plaintiff's Complaint (attached hereto as Exhibit H).

4. Pursuant to 28 U.S.C. §§ 1441(a), (b) and 1331, Defendants wish to remove the State Court Action to the United States District Court for the District of Massachusetts.

5. Removal of each claim and cause of action arising in the State Court Action to this Court is authorized and proper pursuant to 28 U.S.C. § 1441(a) and (b) because this Court has original jurisdiction of such claims and causes of action pursuant to 28 U.S.C. § 1331. This action arises under the laws of the United States as the Plaintiff's Complaint asserts claims and seeks relief pursuant to 15 U.S.C. §§ 1065, 1114(1), 1117(a), and 1125(a). See Exhibit A.

6. This Notice of Removal is filed within thirty (30) days after service of the Complaint, and therefore is timely pursuant to 28 U.S.C. § 1446(b).

7. In accordance with 28 U.S.C. § 1446(a), attached hereto as Exhibits A-H are copies of the process and pleadings filed in the State Court Action.

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal shall be served promptly on all parties.

9. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal shall be filed with the Clerk of the Superior Court.

WHEREFORE, Defendants respectfully request that this Court enter an Order removing the State Court Action from the Superior Court to the United States District Court for the District of Massachusetts.

Dated: August 12, 2008

Respectfully submitted,

STEPHEN D. SAWIN and METROPOLITAN
EMPLOYMENT CORPORATION OF AMERICA,
INC. D/B/A OPERON RESOURCE
MANAGEMENT

By their attorneys,

/s/ Bronwyn L. Roberts
Bronwyn L. Roberts, BBO# 638079
DUANE MORRIS LLP
470 Atlantic Avenue, Suite 500
Boston, MA 02210
857.488.4200
b Roberts@duanemorris.com

CERTIFICATE OF SERVICE

I, the undersigned, do hereby attest that on August 12, 2008, I served, by email (David.Brody@hbsr.com) and first class mail postage prepaid,, a true and accurate copy of the within document on the following:

David J. Brody, Esq.
Hamilton Brook, Smith & Reynolds, P. C.
530 Virginia Road
P.O. Box 9133
Concord, MA 01742

/s/ Bronwyn L. Roberts
Bronwyn L. Roberts